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NSC FOR LOOK
DIA FOR LEA

E.O. 12958: DECL: 12/19/2019

TAGS: KACT MARR PARM PREL RS US START

SUBJECT: START FOLLOW-ON NEGOTIATIONS, GENEVA
(SFO-GVA-VII): (U) U.S.-PROPOSED JOINT DRAFT TEXT OF THE
PROTOCOL, DECEMBER 19, 2009 (CABLE 10 OF 12 CABLES)

REF: A. GENEVA 1208 (SFO-GVA-VII-162 CABLE 1 OF 12 CABLES)
1B. GENEVA 1209 (SFO-GVA-VII-162 CABLE 2 OF 12 CABLES)
1C. GENEVA 1210 (SFO-GVA-VII-162 CABLE 3 OF 12 CABLES)
1D. GENEVA 1211 (SFO-GVA-VII-162 CABLE 4 OF 12 CABLES)
1E. GENEVA 1212 (SFO-GVA-VII-162 CABLE 5 OF 12 CABLES)
1F. GENEVA 1213 (SFO-GVA-VII-162 CABLE 6 OF 12 CABLES)
1G. GENEVA 1214 (SFO-GVA-VII-162 CABLE 7 OF 12 CABLES)
1H. GENEVA 1215 (SFO-GVA-VII-162 CABLE 8 OF 12 CABLES)
1I. GENEVA 1216 (SFO-GVA-VII-162 CABLE 9 OF 12 CABLES)

Classified By: A/S Rose E. Gottemoeller, United States
START Negotiator. Reasons: 1.4(b) and (d).

11. (U) This is SFO-GVA-VII-162.

12. (S) The text at Paragraph 3 is the working document from which the U.S.-Proposed Joint Draft Text of the Protocol to the Treaty Between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms dated December 19, 2009 will be prepared. It establishes the baseline for the next round of the negotiations. Because of the length of the document, text will be sent as separate cables. This is Cable 10 of 12 cables.

13. (S) Begin text:

Section V. General Rules for the Conduct of Inspection Activities

11. Inspectors shall discharge their functions in accordance with this Part.

¶12. The inspected Party shall provide meals, lodging, work space, transportation, and, as necessary, medical and other urgent services for the inspectors and aircrew members of the inspecting Party during the entire period of stay in the territory of the inspected Party. Costs of all such services shall be borne by the inspected Party.

¶13. Inspectors shall not publicly disclose information obtained during inspection activities except with the express consent of the ((inspecting))1((inspected))2 Party(), and such consent shall be granted only with the consent of the inspected Party)). They shall remain bound by this obligation even after termination of their activities as inspectors.

¶14. The boundaries of a facility specified on the site diagrams that the Parties shall exchange in accordance with the Annex on Inspection Activities to this Protocol shall be the boundaries of the inspection site.

¶15. In discharging their functions, inspectors shall communicate with personnel of the inspected Party only through the in-country escort. Except as provided for in this Part, inspectors shall not interfere with ongoing activities at an inspected site and shall not hamper or delay the operation of a facility. Inspectors shall take no actions affecting the safe operation of a facility. Inspectors shall observe safety regulations established at the inspection site. The in-country escort shall provide safety briefings. The inspected Party shall provide, as

necessary, individual protective gear.

¶16. At the inspection activity site, representatives of the inspected facility shall be included among the in-country escort. The inspected Party shall ensure that a member of the in-country escort at the facility is continuously available to inspectors either in person or by telephone. Throughout the period of stay at the point of entry, or at the inspection activity site, the inspected Party shall ensure that the inspectors can be in communication with the embassy of the inspecting Party located on the territory of the inspected Party using telephonic communications provided by the inspected Party. The inspected Party shall also provide means of communication between inspection team subgroups. Such means of communication shall be under the control of the inspected Party.

The in-country escort shall ensure necessary lighting for inspectors to carry out the procedures provided for in this Part.

¶17. The inspected Party shall transport the inspection team, as well as its equipment and documents, from the point of entry to the inspection site no later than 24 hours after the time of the designation of the inspection site specified in the notification provided for in accordance with Part Four of this Protocol.

¶18. During an inspection activity, inspectors shall have the right to use any of the equipment in accordance with the Annex on Inspection Activities to this Protocol for a specific type of inspection activity, except for cameras, which shall be used only by the inspected Party, at the request of the inspecting Party.

¶19. During an inspection activity, inspectors shall have the right to view and make linear measurements of items located at the inspection site for the purpose of confirming the conformity of the declared technical data specified in Part Two of this Protocol. Such measurements shall be recorded during inspection activities and shall be certified by the signatures of an inspector and a member of the in-country escort immediately after they are taken. Such certified data shall be included in the inspection activity report.

¶10. For the purposes of this Protocol, an item of inspection about which declared technical data has been provided in Part Two of this Protocol is understood to mean:

(a) for inspections of heavy bombers at air bases and conversion or elimination facilities for heavy bombers within the boundaries of the site diagram of the facility, a heavy bomber of the inspected Party.

(b) for inspections at facilities other than those specified in subparagraph (a) above, an ICBM or SLBM, a first stage of an ICBM or SLBM maintained, stored, and transported in stages, or a mobile launcher of ICBMs of the inspected Party.

¶11. For each Party, the size criteria used during inspection activities shall be agreed by the Parties and recorded in the Annex on Inspection Activities to this Protocol.

¶12. During an inspection activity, inspectors shall have the right to request clarification through the in-country escort.

The in-country escort shall provide clarifications that may be useful in resolving questions and ambiguities. In the event questions and ambiguities relating to an item, object, or building located within the inspection activity site are not resolved, the inspected Party shall photograph such object or building at the request of the inspecting Party.

¶13. An inspection team conducting inspection activities shall include no more than ten inspectors. Upon arrival at the inspection site, the inspection team leader shall have the right to establish subgroups consisting of no fewer than two inspectors each.

¶14. Pre-inspection procedures, including safety briefings and the provision of information relating to the conduct of the inspection activities and the site where they are conducted, shall begin upon arrival of the inspection team at the inspection activity site and shall be completed within one hour, after which the inspection activities shall begin immediately.

¶15. Upon completion of pre-inspection procedures, no object, container, or vehicle large enough to be or contain an item of inspection shall leave the inspection site until inspected by the inspection team, or released by the inspection team if it does not intend to inspect the object, container, or vehicle. The inspection of such items shall be conducted so as not to hamper or delay the operation of the facility.

¶16. Periods of inspection activities shall be as follows:

(a) For Type One inspections at ICBM bases and submarine bases, the period of inspection of warheads located on deployed ICBMs and SLBMs shall not exceed the period of time necessary to achieve the purpose of the inspection and shall terminate upon completion of the inspection procedures. The period of inspection of non-deployed ICBMs, non-deployed SLBMs, and non-deployed launchers of ICBMs at such bases shall not exceed 24 hours after the completion of the associated warhead inspection.

(b) For Type One inspections at air bases for heavy bombers equipped for nuclear armaments, the period of inspection shall not exceed 30 hours.

(c) For Type Two inspections, the period of inspection shall not exceed 24 hours.

(d) For exhibitions, the period of inspection activity shall not exceed the period of time necessary to achieve the purpose of the exhibition.

By agreement with the in-country escort, the period of inspection activity may be extended by no more than eight hours.

¶17. Post-inspection procedures, which include completing the report on the inspection activity, shall begin when the period of inspection activities expires and shall be completed as agreed by the Parties.

¶18. For the purposes of this Part, a sequential inspection is understood to mean an inspection activity conducted by an inspection team after the completion of an inspection activity and prior to the departure of the team from the territory of the inspected Party. Inspection teams shall have the right to conduct sequential inspections. Sequential inspections shall be conducted only at facilities associated with the same point of entry by an inspection team that has not left the territory of the inspected Party. No facility may be designated more than one time by each inspection team. For sequential inspections, the inspection team leader shall not have the right to designate the same facility for a sequential inspection. The procedures for the designation of the site of the sequential inspection are provided for in the Annex on Inspection Activities to this Protocol.

¶19. The inspection team shall depart from the territory of the inspected Party no later than 24 hours after its return to the point of entry, unless otherwise agreed.

VI. Inspections of ICBMs and SLBMs Including the Warheads on Them, Deployed Heavy Bombers and the Nuclear Armaments on Them, and Deployed and Non-deployed Launchers of ICBMs and SLBMs, Pursuant to Paragraph 2 of Article XI of the Treaty (Type One Inspections)

¶1. Each Party shall have the right to conduct Type One inspections at ICBM bases, submarine bases and air bases for deployed heavy bombers. The purpose of such inspections shall be to confirm the accuracy of declared data, specified for such bases, on the numbers and types of deployed ICBMs, deployed SLBMs and deployed heavy bombers; deployed and non-deployed ICBM and SLBM launchers; non-deployed ICBMs and SLBMs; the number of warheads located on deployed ICBMs and deployed SLBMs; and the number of nuclear armaments located on deployed heavy bombers.

¶2. Each Party shall have the right to conduct a total of ((12))₁((10))₂ such inspections each year, with no more than two facilities being inspected twice each year. No Party shall have the right to conduct such an inspection simultaneously with any other type of inspection activity at the same facility.

¶3. In infrequent special cases, and for purposes not inconsistent with the Treaty, the inspected Party may temporarily exempt appropriate ICBM bases, submarine bases and air bases from inspection. Notification of such exemptions shall be provided through diplomatic channels along with an explanation of the reason for the exemption.

¶4. No later than one hour after the time for the designation of the inspection site specified in the notification provided earlier for such an inspection in accordance with Part Four of this Protocol, the inspected Party shall implement the pre-inspection restrictions specified in the Annex on Inspection Activities to this Protocol at the ICBM base or submarine base, including the waters identified on the coastlines and waters diagram, or at the air base for heavy bombers equipped for nuclear armaments.

¶5. Inspections at ICBM bases, submarine bases, and air bases

for heavy bombers equipped for nuclear armaments shall be conducted in order to confirm:

(a) The accuracy of the declared data on the numbers and types of deployed and non-deployed launchers of ICBMs located on the ICBM base or deployed and non-deployed SLBM launchers

located at the submarine base at the time pre-inspection restrictions were implemented.

(b) The accuracy of the declared data on the numbers and types of deployed and non-deployed ICBMs located on the ICBM base or the number of deployed and non-deployed SLBMs located at the submarine base or the number of deployed ((and non-deployed))² heavy bombers located at the air base for heavy bombers equipped for nuclear armaments at the time pre-inspection restrictions were implemented.

(c) The actual number of warheads located on a designated deployed ICBM or located on a designated deployed SLBM, or the number of nuclear armaments located on designated heavy bombers.

¶6. Upon arrival of the inspection team at the inspection site, a member of the in-country escort shall provide to the inspection team leader, in writing, information regarding:

(a) For ICBM bases:

(i) the aggregate number of warheads located on deployed ICBMs based at the ICBM base;

(ii) the number of deployed ICBMs of each type, based at the ICBM base;

(iii) the number of deployed ICBM launchers of each type located at the ICBM base at the time pre-inspection restrictions were implemented;

(iv) the number of warheads located on each deployed ICBM;

(v) the number of non-deployed ICBM launchers of each type located at the ICBM base at the time pre-inspection restrictions were implemented; and

(vi) the number of non-deployed ICBMs, first stages of ICBMs and fixed structures for mobile launchers of ICBMs, located at the ICBM base at the time pre-inspection restrictions were implemented.

In addition, a member of the in-country escort shall provide the inspection team leader with a copy of the simplified site diagram of the ICBM base, a site diagram of the maintenance facility and, if applicable, a copy of the site diagram for each ((restricted))¹ ((basing))² area for mobile launchers of ICBMs. The locations of each of the declared items, that are located on the ICBM base at the time pre-inspection restrictions were implemented, shall be specified on the site diagrams. For ICBM bases for mobile launchers of ICBMs, such information shall be provided only for those items located in ((restricted))¹ ((basing))² areas for mobile launchers of ICBMs and the maintenance facility.

(b) For submarine bases:

(i) the aggregate number of warheads located on deployed SLBMs loaded in SLBM launchers on ballistic missile submarines based at the submarine base;

(ii) the number of ballistic missile submarines by class and the number of SLBMs, by type, deployed on them, based at the submarine base;

(iii) the number of ballistic missile submarines, by class, which contain deployed SLBM launchers and the number of deployed SLBM launchers of each type located at the submarine base at the time pre-inspection restrictions were implemented;

(iv) the number of warheads located on each deployed SLBM;

(v) the number of ballistic missile submarines

containing non-deployed SLBM launchers and the number of non-deployed SLBM launchers of each type. Part Nine of this Protocol provides for the provision of information regarding the number of guided missile submarines (SSGNs) and the number of launchers on them as well as subsequent designation and inspection of these launchers; and

(vi) the number of non-deployed SLBMs and first stages of SLBMs located at the submarine base at the time pre-inspection restrictions were implemented.

In addition, a member of the in-country escort shall provide the inspection team leader with a copy of the coastlines and waters diagram of the submarine base and a copy of the site diagram for the submarine base. The locations of each of the declared items, which are located on the submarine base at the time pre-inspection restrictions were implemented, shall be specified on the site diagrams.

(c) For air bases for deployed heavy bombers equipped for nuclear armaments:

(i) the aggregate number of nuclear armaments located on deployed heavy bombers equipped for nuclear armaments based at that air base;

(ii) the specific location inside national territory of the inspected Party, and type, of each deployed heavy bomber based at that air base which was absent at the time pre-inspection restrictions were implemented;

(iii) the specific geographic region where it is located outside the national territory of the inspected Party, and type, of each deployed heavy bomber based at that air base which was absent at the time pre-inspection restrictions were implemented;

(iv) the number and types of deployed heavy bombers, test heavy bombers, and heavy bombers equipped for non-nuclear armaments located at that air base at the time pre-inspection restrictions were implemented; and

(v) the number of nuclear armaments located on

each deployed heavy bomber located at the specified air base at the time pre-inspection restrictions were implemented.

In addition, a member of the in-country escort shall provide the inspection team leader with a copy of the site diagram of the air base. The location of each of the declared deployed heavy bombers, which are located on the air base at the time pre-inspection restrictions were implemented, shall be annotated on the site diagram.

(d) Items specified for an inspection site that are absent from the inspection site at the time of the arrival of the inspection team and the reason for the absence of each such item.

17. Upon the completion of pre-inspection procedures, the inspection team leader shall designate for inspection, in writing to a member of the in-country escort, using the geographic coordinates or pre-arranged designators or the site diagram or coastlines and waters diagram provided during pre-inspection procedures:

(a) For ICBM bases, ((up to two))1((one))2 deployed ICBM launcher(s))1 containing the deployed ICBM(s))1 intended for inspection. The designated ICBM(s))1 may be declared as containing warheads or as not containing warheads and thereafter shall be subject to inspection procedures for confirmation of the declared number of warheads located on ((them))1((it))2.

((The inspection team leader shall have the right to designate one non-deployed ICBM launcher for inspection

instead of one of the two deployed ICBM launchers containing a deployed ICBM.))1

((In addition, the inspection team leader shall have the right to designate one non-deployed ICBM launcher for inspection.))2

((If the inspection team leader intends to designate two silo launchers of ICBMs containing ICBMs, the launchers must be selected from the same launcher group as depicted on the simplified site diagram.))1

For an ICBM base for mobile launchers of ICBMs, the inspection team leader shall have the right to also designate for inspection one fixed structure for mobile launchers of ICBMs, located in one of the ((restricted))1 ((basing))2 areas for mobile launchers of ICBMs, that has been declared not to contain a deployed mobile launcher of ICBMs, if such fixed structures for mobile launchers of ICBMs not containing mobile launchers of ICBMs are located at that base.

Mobile launchers of ICBMs located at a maintenance facility may not be designated for inspection for confirmation of the declared number of warheads located on them.

((For an ICBM base for mobile launchers of ICBMs, the inspection team leader shall have the right to designate for inspection the restricted area containing the deployed ICBM launcher designated for warhead inspection.))1

(b) For submarine bases, ((up to two))1((one))2 deployed

SLBM launcher((s))1 containing the deployed SLBM((s))1 intended for inspection. The designated SLBM((s))1 may be declared as containing warheads or as not containing warheads and thereafter shall be subject to inspection procedures for confirmation of the declared number of warheads located on ((them))1((it))2.

((The inspection team leader shall have the right to designate one non-deployed SLBM launcher for inspection instead of one of the two deployed SLBM launchers containing a deployed SLBM.))1

In addition, the inspection team leader shall have the right to designate one non-deployed SLBM launcher for inspection, or, as provided for in Part Nine of this Protocol, ((one))1 ((two))2 launcher((s))2 located on an SSGN if such a submarine is located at that base.

((If the inspection team leader intends to designate two SLBM launchers containing SLBMs, the launchers must be selected from the same submarine.))1

SLBM launchers on a submarines located in dry dock may not be designated for inspection for confirmation of the declared number of warheads located on them.

(c) For air bases for deployed heavy bombers, no more than three deployed heavy bombers. Part Nine of this Protocol provides for additional procedures for designating heavy bombers at air bases where deployed heavy bombers and heavy bombers equipped for non-nuclear armaments are jointly based.

Test heavy bombers may not be designated and shall not be subject to inspection.

¶8. The inspected Party shall transport the inspection team to designated ICBM launchers, SLBM launchers, ((restricted area,))1 fixed structure for mobile launchers of ICBMs, or deployed heavy bomber to be inspected without undue delay and within the following period of time:

(a) to a silo launcher of ICBMs: no later than twelve hours after completion of pre-inspection procedures; or

(b) to an SLBM launcher: no later than three hours after completion of pre-inspection procedures; or

(c) to a mobile launchers of ICBMs((, a restricted area))1 or a fixed structure for mobile launchers of ICBMs: no later than five hours after completion of pre-inspection procedures; or

(d) to deployed heavy bombers: no later than three hours after completion of pre-inspection procedures.

((9. Inspectors shall have the right to read the data from the unique identifiers on all ICBMs and SLBMs located at the inspection site and subject to inspection except for such ICBMs or SLBMs contained in silo launchers of ICBMs or contained in SLBM launchers.))1

((10.))1((9.))2 The inspection team shall have the right to

confirm that ICBMs or SLBMs declared to be training models of missiles are training models of missiles based on differences set forth in Part Two of this Protocol unless such items are located in silo training launchers.

((11.))1((10.))2 For ICBM bases, the inspection team shall have the right to inspect:

(a) The designated deployed launcher((s))1 of ICBMs to confirm the number of warheads located on the ICBM((s))1 contained in ((those))1((that))2 launcher((s))1 provided for in the Annex on Inspection Activity to this Protocol.

(b) If applicable, the designated non-deployed launcher of ICBMs or designated fixed structure for mobile launchers of ICBMs declared not to contain a mobile launcher of ICBMs in accordance with the procedures provided for in the Annex on Inspection Activities to this Protocol.

(c) The maintenance facility in order to confirm the accuracy of the declared data on the numbers and types of items specified during pre-inspection procedures as provided for in the Annex on Inspection Activities to this Protocol.

((d) For an ICBM base for mobile launchers of ICBMs, the designated restricted area in order to confirm the accuracy of the declared data on the numbers and types of items specified during pre-inspection procedures subject to the procedures provided for in the Annex on Inspection Activities to this Protocol.))1

((12.))1((11.))2 For submarine bases, the inspection team shall have the right to inspect:

(a) The designated deployed launcher((s))1 of SLBMs to confirm the number of warheads located on the SLBM((s))1 contained in ((those))1((that))2 launcher((s))1 provided in the Annex on Inspection Activities to this Protocol.

(b) If applicable, the designated non-deployed launcher of SLBMs ((or the designated non-deployed SLBM cruise missile launchers))2 as provided for in the Annex on Inspection Activities to this Protocol.

(c) The entire inspection site in order to confirm the accuracy of the declared data on the numbers and types of items specified during pre-inspection procedures as provided for in the Annex on Inspection Activities to this Protocol.

((13.))1((12.))2 For an air base for deployed heavy bombers equipped for nuclear armaments:

(a) The inspecting Party shall have the right to inspect designated deployed heavy bombers ((, of a type specified as based at that air base,))1 and to confirm the number of nuclear armaments located on them as provided for in the Annex on Inspection Activities to this Protocol. ((Part Nine of this Protocol provides for additional procedures for

inspecting designated heavy bombers equipped for non-nuclear armaments at air bases where deployed heavy bombers and heavy bombers equipped for non-nuclear armaments are jointly based.))2

(b) For structures within the boundaries of the site

diagram for the air base where heavy bombers are located, inspectors shall have the right to ascertain whether or not such structures contain a heavy bomber.

((14.))1((13.))2 If an inspection team conducting an inspection of a designated launcher of ICBMs or SLBMs declared not to contain a deployed ICBM or SLBM or a fixed structure for mobile launchers of ICBMs declared not to contain a deployed mobile launcher of ICBMs discovers that such a launcher or fixed structure for mobile launchers of ICBMs contains an ICBM or SLBM, the inspection team shall have the right to inspect the discovered ICBM or SLBM in addition to any other designated launchers and to record the results of such an inspection in the official inspection report.

If an inspection team conducting an inspection of a designated deployed heavy bomber declared not to contain nuclear armaments discovers that such a heavy bomber contains nuclear armaments, the inspection team shall have the right to confirm the number of nuclear armaments located on such a heavy bomber as provided for in the Annex on Inspection Activities to this Protocol and record the results of such an inspection in the official inspection report.

((15.))1((14.))2 For a deployed ICBM or deployed SLBM designated for warhead inspection, before the front section is viewed, the inspected Party may cover reentry vehicles and other equipment, including the mounting platform, with ((individual))2 covers, in such a manner that the covers shall not hamper inspectors in ascertaining that the front section contains the number of reentry vehicles equal to the number of warheads declared for the deployed ICBM or deployed SLBM which is being inspected. Inspectors shall have the right to view ((and to measure all))1((such individual))2 covers prior to their placement on the reentry vehicles. The inspected Party shall carry out an inspection of warheads located on a deployed ICBM or deployed SLBM in accordance with the Annex on Inspection Activities to this Protocol.

((16.))1((15.))2 The time of completion of warhead inspection procedures for all designated launchers of ICBMs or SLBMs shall be agreed upon by both Parties and recorded in the inspection report.

((17.))1((16.))2 Upon completion of the procedures provided for in this Section, the inspected Party shall transport the inspection team to the location designated by the inspected Party for carrying out post-inspection procedures.

(())1 Proposed by the United States
(())2 Proposed by the Russian Federation

End text.

¶4. (U) Gottemoeller sends.
GRIFFITHS